

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SIXTH DAY OF DECEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No. 25949 of 2005

Between:

Smt.G.V.Subba Lakshmi and 10 others

..... PETITIONERS

AND

The Joint Collector,

Vizianagaram District & Town

and 2 others

.....RESPONDENTS

ORDER:

Seeking a Mandamus, declaring the proceedings of the

1st respondent in FPSAP No.23/2005/G8, dated 23.11.2005, in rejecting the stay application of the petitioners, as illegal and arbitrary, the present writ petition is filed.

Heard the learned counsel for the petitioners and the learned Government Pleader for Civil Supplies.

The 11 petitioners herein are the fair price shop dealers of different fair price shops in Vizianagaram Town of Vizianagaram District. It is stated that more than a decade ago, they were appointed as fair price shop dealers to their respective fair price shops by the concerned authorities to distribute essential commodities to the cardholders and they have been distributing the essential commodities to the cardholders without violating any terms and conditions of their authorizations and provisions of A.P. State Public Distribution System Control Order, 2001.

It is stated that pursuant to the policy introduced in respect of issuance of ration cards, the Government directed to replace the old ration cards with Biometric cards.

In that process the 3rd respondent directed the District Photo Laboratory Centre (for short 'DPL Centre') to issue biometric ration cards in the place of old ration cards. In that connection, the 2nd respondent issued show cause notices to the petitioners stating that they are responsible for issuance of certain bogus cards by pressurizing the DPL Centre in-charge and the concerned staff and therefore, the petitioners were asked to show cause as to why suitable action should not be taken against them.

What kind of action is proposed to be taken is not at all indicated. Whether the 2nd respondent wanted to suspend or cancel the authorization is not indicated. However, all the petitioners have filed their respective explanations, denying the said allegations, stating that they have not pressurized either DPL center in-charge or any of the staff member and they have not violated any of the terms and conditions of the authorization and provisions of the A.P. State Public Distribution System Control Order, 2001.

It is further stated that all the allegations against the petitioners are untenable and there is no truth for any of the allegations, and therefore, the petitioners are requested to drop further proceedings. But without considering the explanations of the petitioners, the 2nd respondent has passed final orders vide proceedings in Rc.No.3385/05 H, dated 17.11.2005, stating that the petitioners have violated the conditions of authorization and provisions of A.P.P.D.S.Control Order, 2001 and hence their respective dealerships have been suspended. Final orders are passed suspending the dealerships of the petitioners as a measure of punishment, and therefore, the petitioners have filed a joint appeal before the 1st respondent, but the appellate authority while admitting the appeal, disallowed the stay application of the petitioners by proceedings dated 23.11.2005. Aggrieved by the same, the petitioners filed this writ petition.

On a perusal of the show cause notices and the proceedings of the 2nd respondent dated 17.11.2005 go to show that no action has been contemplated against the DPL in-charge and the concerned staff who are also alleged to be responsible for the alleged mal-practice in obtaining alleged bogus ration cards. In fact, the particulars of the bogus biometric cards are also not furnished and no notices were issued to the cardholders of biometric ration cards. The show cause notices are vague and bereft of all material facts.

Having regard to the facts and circumstances of the case and as the appeal is still pending before the 1st respondent, I am not inclined to express any further opinion in the subject matter. But as there is prima facie case for grant of stay, the 1st respondent is directed to consider and dispose of the appeal, in accordance with law, after giving a reasonable opportunity to the petitioners. Till the appeal is disposed of, the impugned proceedings of the 2nd respondents dated 17.11.2005 in suspending the fair price shop dealerships of the respective petitioners and the proceedings of the 1st respondent dated 23.11.2005 in disallowing the stay application of the petitioners, shall be kept in abeyance. The petitioners are permitted to distribute the essential commodities in accordance with terms and conditions of their respective authorizations, pending disposal of the appeal.

With the above observations, the Writ Petition is allowed. No order as to costs.

V.ESWARAIAH,J

Dated: 06.12.2005

Dsr

Note:

Issue CC by tomorrow

B/o

Dsr